

REMARKS

Reconsideration of this Application in view of the Final Office action dated April 5, 2004 is requested. Claims 6 and 10-16 are pending in this application.

I. 35 USC §103 CLAIM REJECTIONS

The claims stand rejected as follows:

- A. Claims 6 and 10-14 are rejected under 35 USC §103 in view of U.S. Patent No. 5,569,327 to Paradis et al. (the "Paradis patent") in view of U.S. Patent No. 5,354,407 to Hubbard et al. (the "Hubbard patent"), U.S. Patent No. 5,156,048 to DeFigueiredo et al. (the "DeFigueiredo patent") and U.S. Patent No. 5,209,806 to Hibberd (the "Hibberd patent"); and
- B. Claim 16 is rejected under 35 USC §103 in view of the Paradis, Hubbard, DeFigueiredo and Hibberd patents and further in view of U.S. Patent No. 5,674,348 to DeFigueiredo et al. (the '348 DeFigueiredo patent).

For at least the below explained reasons, these rejections of claims 6 and 10-16 are respectfully traversed.

A. The Paradis, Hubbard, DeFigueiredo and Hibberd patents

Claim 6 which is currently the only independent claim in the instant application recites of an:

"Apparatus for moistening and sealing an envelope" being formed by "at least a portion of the tank housing portion including the window . . . wherein at least a portion of the tank housing portion including the window forms a portion of the apparatus housing and is movably arranged relative to, and separable from, the apparatus housing by the user".

With regards to the Paradis and Hubbard patents, the examiner admits: “[they do] not disclose having a window located on the housing such that the liquid level is easily observable.” Applicants would also like to point out that neither of the commonly assigned Paradis and Hubbard patents teach nor suggest *“at least a portion of the tank housing portion including the window forms a portion of the apparatus housing and is movably arranged relative to, and separable from, the apparatus housing by the user.”*

Regarding the commonly assigned DeFigueiredo patent, it teaches a reservoir tank having a magnetic assembly, which is used for detecting fluid levels in the reservoir. While the DeFigueiredo patent does disclose in its Background Section that a reservoir tank may be constructed of transparent materials or contain a window for allowing visual indication of fluid levels (col. 1, lines 34-43 and col. 2, lines 6-41), it does not teach nor suggest the reservoir *“form[ing] a portion of the apparatus housing and is movably arranged relative to, and separable from, the apparatus housing by the user.”* In fact, the DeFigueiredo patent explicitly discloses: *“It will be understood by those skilled in the art that the limited access space to the reservoir does not facilitate the use of the aforementioned types of fluid level detection.”* In other words, the DeFigueiredo patent teaches away from the present invention whereby it explicitly teaches that access to its reservoir tank by a user is limited and thus certainly does not form *“a portion of the apparatus housing and is movably arranged relative to, and separable from, the apparatus housing by the user.”*

Regarding now the commonly assigned Hibberd patent, this patent relates to an envelope sealing apparatus having a fluid reservoir that includes a window for viewing the fluid level in the reservoir. However, like the DeFigueiredo patent, and Paradis and Hubbard patents, the Hibberd patent does not teach nor suggest the reservoir *“form[ing] a portion of the apparatus housing and is movably arranged relative to, and separable from, the apparatus housing by the user.”* In the Hibberd patent, the reservoir forms the entire housing of the sealing apparatus. The DeFigueiredo patent explicitly states:

. . . The upper part 10 of the housing seen in Fig. 1 effectively constitutes a lid or cover for a lower part of the housing seen best in Fig. 2 (col. 2, lines 12-14) . .

. . . When assembled, the upper and lower parts 10, 20 define therein a reservoir into which liquid may be poured through an opening 16A in the protruding portion 16 (col. 2, lines 28-31).

Thus, since the reservoir of the Hibberd patent forms the entire housing portion of the sealing device, it cannot be said to teach nor suggest being *"movably arranged relative to, and separable from, the apparatus housing by the user."*

Accordingly, for at least the above reasons, it is respectfully submitted that claim 6 and its depending claims 10-14 patentably distinguish from the Paradis, Hubbard, DeFigueiredo and Hibberd patents, either alone or in combination with one another. Reconsideration and removal of the subject rejection is warranted.

B. The '348 DeFigueiredo patent

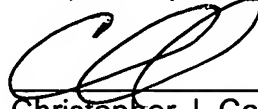
Turning now to the '348 DeFigueiredo patent, the examiner asserted this patent upon claim 16, and in combination with the above mentioned patents, for its alleged teaching relating to a wick that is replaceable through an opening cover. Without going into the merits of this alleged teaching, since claim 16 depends from the aforementioned independent claim 6, and the '348 DeFigueiredo patent does not overcome the deficiencies of the Paradis, Hubbard, DeFigueiredo and Hibberd patents in teaching nor suggesting a reservoir *"form[ing] a portion of the apparatus housing and is movably arranged relative to, and separable from, the apparatus housing by the user"*, it patentably distinguishes from the combination of the '348 DeFigueiredo patent with the Paradis, Hubbard, DeFigueiredo and Hibberd patents.

Accordingly, it respectfully submitted that reconsideration and removal of this subject rejection is warranted.

II. **CONCLUSION**

In view of the foregoing amendments and remarks, it is respectfully submitted that pending claims 6 and 10-14 are now in a condition for allowance and favorable action thereon is requested. If the Examiner should have any questions, he is kindly urged to contact the undersigned attorney.

Respectfully submitted,



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